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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/980,238	02/19/2002	Koji Kuchiishi	34205	8161

116 7590 06/02/2005

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EXAMINER

DAO, MINH D

ART UNIT	PAPER NUMBER
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2682

DATE MAILED: 06/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/980,238	Applicant(s) KUCHIISHI ET AL.	
	Examiner MINH D. DAO	Art Unit 2682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5 and 6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5 and 6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

1. Claims 1-3, 5,6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Halttunen et al. (US 5,844,166) in view of Fujihira (JP 01221099 A).

Regarding claim 1, Halttunen teaches a portable radio apparatus (see fig. 6, col. 5, lines 46-67) comprising: a radio circuit (see fig. 6, PCB 59); a speaker (see col. 1, lines 24-

55); and a shield member for electromagnetically shielding the radio circuit from the speaker (see fig. 6, item 51; col. 5, lines 46-67). However, Halttunen fails to teach that the shield member includes at least one ventilation hole having a size that does not affect the shielding performance, and wherein the ventilation hole is provided close proximity and opposite of a sound hole at a rear of the speaker. Fujihira, in an analogous art, teaches a speaker unit that has a shield member having opening located in the opposite side of a sound hole at a rear of the speaker for cooling off the speaker in operation. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to provide the teaching of Fujihira to Halttunen in order to have a radiotelephone that includes a speaker with ventilation hole that would ventilate the warm air to the outside of the speaker therefore to cool off the speaker in operation as taught by Fujihira in his abstract.

Regarding claim 2, Halttunen and Fujihira once combined teaches a portable radio apparatus according to claim 1, wherein the shield member is a shield case disposed to cover the radio circuit (see Halttunen, fig. 6, shield 51, and Fujihira, fig. 1, shield member 20).

Regarding claim 3, Halttunen and Fujihira once combined teaches a portable radio apparatus according to claim 1, wherein the shield member is a holder having a shape to cover the rear and sides of the speaker (see Halttunen, fig. 6, shield 51, and Fujihira, fig. 1, shield member 20).

Regarding claim 5, the claim has the limitation of claims 1 and 3, therefore is rejected for the reasons set forth in the rejections of claims 1 and 3. In addition, Halttunen and Fujihira once combined teaches that the compressed air by the vibration of the speaker passes through the ventilation hole and propagates in a space enclosed by the shield case (see the abstract of Fujihira).

Regarding claim 6, the claim has the limitation of claims 1 and 3, therefore is rejected for the reasons set forth in the rejections of claims 1 and 3. In addition, Halttunen and Fujihira once combined teaches that the compressed air by the vibration of the speaker passes through the ventilation hole and propagates in a space enclosed around the shield case (see the abstract of Fujihira).

Response to Arguments


2. Applicant's arguments received on 04/29/2005 have been fully considered and are persuasive. Therefore, the previous rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Halttunen (US 5,844,166) and Fujihira (JP 01221099 A).

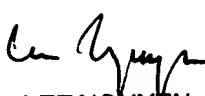
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MINH D. DAO whose telephone number is 571-272-7851. The examiner can normally be reached on 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, NICK CORSARO can be reached on 571-272-7876. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Minh Dao 
Art Unit 2682
May 25, 2005

 5/25/05
LEE NGUYEN
PRIMARY EXAMINER